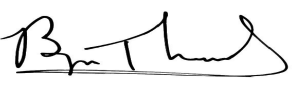




RICHMOND POLICE DEPARTMENT GENERAL ORDER

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

Chapter 4	Number 2	Effective Date 07/28/09	Review Date 2012
Subject OVERTIME AND COMPENSATORY TIME			☐ New Order ☒ Replaces G.O. 4-2 (01/02/07)
References Fair Labor Standards Act, Title 29 USC Chapter 8 CALEA 22.1.1e, 22.1.1f VLEPSC PER.03.01e, PER.03.01f Ordinance 93-117-159 – Article III General Order 4-1 City of Richmond Administrative Regulation 4.5 City of Richmond Personnel Rules for the Classified Service, Rule 2.15			
 _____ Chief of Police or Designee		07/28/09 _____ Date	

I. PURPOSE

The purpose of this directive is to establish the proper guidelines for the procedure on compilation and disposition of police overtime and overtime reports and to clarify the guidelines for compensatory time. This Order consists of the responsibilities and procedures for employees of the Department.

II. POLICY

It is the policy of the Richmond Police Department to compensate those employees eligible under the Fair Labor Standards Act (FLSA) to receive overtime pay or compensatory time upon meeting the established criteria, as set forth in this Order.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

IV. DEFINITION

- A. ***POLICE OFFICER SCHEDULING SYSTEM (POSS) – An electronic scheduling system utilized to track regular, overtime and off-duty hours worked for each Departmental employee according to FLSA rules.***

- B. NON-EXEMPT SWORN EMPLOYEES HOURS – All paid hours within a 14 day cycle that exceeds the FLSA standard of 86 hours, will be paid at 1½ time the base rate of pay. (Non-Exempt Sworn Employees are personnel at the rank of Lieutenant and below.)
- C. NON-EXEMPT CIVILIAN EMPLOYEES HOURS – All paid hours that exceeds 40 hours worked in a 7-day work week, will be paid at 1½ times the base rate of pay.

NOTE: An alphabetical listing of employee classifications noting the eligibility of overtime is posted on the City of Richmond's 'Starnet' website under Human Resources.

V. PROCEDURES

- A. When a non-exempt employee has worked overtime, he/she shall complete a ***“Request for Overtime to Shift” in POSS*** which must be approved by the employee's immediate supervisor and/or designee (Lieutenant and/or Civilian Manager or above). The non-exempt employee can elect to receive compensatory time in lieu of additional payment at the overtime rate. For additional information, please refer to G.O. 4-1, Employee Leave and Benefits.

1. Overtime Provisions:

- a. 86-hours Threshold – The process utilized by the Richmond Police Department for sworn employees, in compliance with FLSA guidelines, to establish each hour worked in a 14-day cycle, up to and including 86-hours, will be paid at straight time. Every hour worked in the 14-day cycle above 86 hours shall be paid at 1½ times the base rate (e.g., late calls and call backs).

NOTE: The Chief of Police or designee may elect to pay overtime at 1½ times the base rate to provide assistance in reducing a targeted problem, aid in administrative support functions and/or special overtime assignment (e.g., minimum staffing at the Precinct levels).

- b. Secondary Employment (City of Richmond Employer) – ***Extra***-duty employment is not included as hours worked towards an employee's 86-hour FLSA threshold for overtime compensation; however, officers performing law enforcement duties for approved City Departments will be paid at 1½ times the base rate of pay for each hour of this ***extra***-duty work. ***Extra***-duty compensation is paid to employees by the City Department contracting with the employee (ex. Richmond Public Schools, Recreation and Parks, the Landmark Theatre, etc.) It will appear on the employee's pay stub as “secondary job”.
- c. Grant Overtime – All hours worked outside of regularly scheduled duty for grant initiatives will be calculated at 1½ time the base rate of pay.

2. Holiday Pay:

a. Non-Exempt (Sworn & Civilian) Employees Regularly Scheduled Work Day Falls On A Holiday:

If a non-exempt employee works on a city holiday and it is a regular scheduled work day for that employee, he/she shall receive the regular rate of pay for hours actually worked, plus additional compensation for each hour worked at the regular rate of pay. Each hour worked above the 86-hour threshold within a 14-day cycle (40-hour work week for civilian employees) will be paid at 1½ times the base rate of pay.

b. Non-Exempt (Sworn and Civilian) Employees Working a Holiday on a Scheduled Day Off:

If a non-exempt employee works on a City holiday and it is that employee's regularly scheduled day off, he/she shall receive the regular rate of pay for hours actually worked, plus compensation for each hour worked at the regular rate of pay. Each hour worked above the 86-hour threshold with a 14-day cycle (40-hour work week for civilian employees) will be paid at a rate of 1½ times the base rate of pay.

c. Non-Exempt (Sworn and Civilian) Employees' Regular Day Off (non-working) Falls On A Holiday:

If a non-exempt employee does not work on a City holiday when it is a regular day off, he/she shall not receive additional pay, but shall receive holiday leave credit equivalent to the number of hours scheduled in the employee's regular work day.

d. Exempt (Sworn and Civilian) Employees Working On A Holiday:

If an exempt employee is required to work on a holiday, the employee shall not receive overtime pay or compensatory pay but may be permitted, if approved by the Chief of Police or designee, to take another day off as mutually agreed to by the employee and the Chief of Police or designee.

3. Holiday Credit – Holiday Credit is not Compensatory Leave. It will not be added to the compensatory leave hours that are accrued during the year. Holiday Credit is hours paid out upon separation from the City service depending upon the date of separation. A separate accounting of accrued holidays will be kept for each employee. All holiday credits with the exception of those earned within the last quarter of the calendar year must be taken during the calendar year that it occurs. Holiday leave will not be granted prior to the actual holiday. Holiday credits earned within the last quarter of the calendar year must be taken by the end of the following calendar year. ***Maximum cap for holiday credit paid at time of separation shall not exceed 11 holidays.***

4. Court Time – Whenever an employee is summoned to appear in court for the purpose of testifying on behalf of the Commonwealth of Virginia or the City of Richmond during the time such employee is off-duty and not required to perform his/her duties, the employee will be compensated in the following manner:
 - a. An appearance for any part of the first hour is compensated as one hour at the rate of 1½ times the employee’s base rate of pay.
 - b. After the first hour, any additional time will be compensated in accordance with FLSA standards and is calculated at the rate of 1½ times the employee’s base rate of pay and posted as follows:
 - 1) 0.1 = 0 to 6 minutes
 - 2) 0.2 = 7 to 12 minutes
 - 3) 0.3 = 13 to 18 minutes
 - 4) 0.4 = 19 to 24 minutes
 - 5) 0.5 = 25 to 30 minutes
 - 6) 0.6 = 31 to 36 minutes
 - 7) 0.7 = 37 to 42 minutes
 - 8) 0.8 = 43 to 48 minutes
 - 9) 0.9 = 49 to 54 minutes
 - 10) 1.0 = 55 to 60 minutes

NOTE: Officers shall complete an Overtime Report Form (PD-57) and “Request for Overtime to Shift” in POSS for each court appearance.

5. Compensatory Leave and Time Requirements:
 - a. All compensatory time earned must be documented by the ***“Completion of Overtime Request” in POSS***. This will be completed by reporting the hours worked as any other overtime assignment and checking the ***“Compensatory Straight or Compensatory Time – Half” selection at the bottom of the overtime request form***. When a PD-57 reflects compensatory time earned, the supervisor must obtain the needed signature approvals, post the time to the employee’s leave records and file the PD-57 form in the employee’s precinct or divisional personnel folder. The supervisor must also ensure that a Compensatory Time, Non-Exempt Employees (PD-116) has been completed, signed and filed for the employee requesting compensatory time. Refer to G.O. 4-1, Employee Leave and Benefits for additional information.

NOTE: Compensatory Time recorded on the PD-57 **and POSS** must accurately reflect the hours posted on the individual's time sheet. The employee must request compensatory leave and the employee's immediate supervisor must approve it before taking the compensatory leave.

- b. These forms should be retained for a minimum of three years.
- c. Refer to General Order 4-1 for guidelines for time requirements.

VI. ROLES AND ACCOUNTABILITY

A. *Non-exempt employees shall:*

1. *Complete a "Request for Overtime to Shift" in POSS when he/she has worked overtime;*
2. *Complete an Overtime Report Form (PD-57) and "Request for Overtime to Shift" in POSS for each court appearance;*
3. *Document all compensatory time earned by the "Completion of Overtime Request" in POSS; and,*
4. *Complete, sign and forward a PD-116, Compensatory Time, Non-Exempt Employees Form, to his/her supervisor for all requested compensatory time.*

B. Supervisors *shall:*

1. Submit on designated dates the Payroll Control Sheet to Police Accounting and Payroll Unit;
2. Retain submitted overtime slips for compensatory time earned in order to record those hours on the employee's original leave record;
3. Retain Leave Records including the leave application for a period of 3 years *or until audit, whichever is longer*, in compliance with the VA Records Retention and Disposition Schedule – General Schedule Number 2 – Fiscal Records;
4. Check electronic overtime *requests* for accuracy and completeness;
5. Approve overtime *requests* prior to the employee working the overtime;
6. *Ensure that a PD-116 has been completed, signed and filed for the employee requesting compensatory time;*
7. Forward *all PD-57s along with employee timesheets* to the Payroll Processor in an expeditious manner to ensure timely payment; *and,*
8. *Strike* and initial any changes to **POSS**.

B. Payroll Processors *shall*:

1. Ensure that all overtime hours submitted are paid accurately and in a timely manner upon receiving each Payroll Control Sheet and the individual employee's time sheet during each 14-day cycle;
2. Verify that all information is accurate and consistent with the data recorded on the Control Sheet submitted by the supervisors; *and*,
3. Return any overtime *entries* that are not accurate to the affected supervisor with the Payroll Discrepancy Form attached. This form will indicate all missing information needing correction.

VII. FORMS

- A. PD-57, Overtime Report Form
- B. PD-116, Compensatory Time, Non-Exempt Employees
- C. Payroll Discrepancy Form
- D. Payroll Control Sheet
- E. Employee Time Sheet (*POSS*)